



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES et al.

Appl. No. 09/458,299

Filed: December 10, 1999

For: **Inducing Cellular Immune  
Responses to HER2/neu Using  
Peptide and Nucleic Acid  
Compositions**

Confirmation No. 8698

Art Unit: 1644

Examiner: DiBrino, M.

Atty. Docket: 2060.0140000/EKS/HCC

**Reply To Restriction Requirement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated **June 30, 2003**, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by newly added claims 41-92. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

As clarified by the Examiner by telephone on August 24, 2003, the Office Action also required the election of one specific supermotif binding one HLA molecule, and having one particular set of anchor residues. In response, Applicants provisionally elect peptides possessing an HLA-A2 supermotif, and in particular, peptides possessing the anchor residues V at position 2, and V at the C-terminus.

The Examiner has also requested an election of a single disclosed species being a

corresponding to SEQ ID NO: 4233. New claims 59-75 are readable upon the provisionally elected species. Independent claim 41 is generic.

The elections specified above are made without traverse.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

 *Key # 36,688*

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Date: 9/2/03

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